

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BRANDON J. PEAKE,

Petitioner,

v.

BRIAN BIRKHOLTZ,

Respondent.


Case No. 2:22-CV-7153-RGK (MAR)

ORDER ACCEPTING FINDINGS
AND RECOMMENDATION OF
UNITED STATES MAGISTRATE
JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the records on file, and the Report and Recommendation of the United States Magistrate Judge. No objections have been filed. The Court accepts the findings and recommendation of the Magistrate Judge.

IT IS THEREFORE ORDERED that Judgment be entered (1) **GRANTING** the Motion to Dismiss; (2) **DENYING** the Petition for a Writ of Habeas Corpus; (3) **DISMISSING** Claim One WITHOUT prejudice; and (4) **DISMISSING** Claim Two WITH prejudice.

Dated: May 11, 2023


HONORABLE R. GARY KLAUSNER
United States District Judge